

### REMARKS

Applicant wishes to thank the Examiner for considering the present application and the courtesy extended in the telephone interview of December 6, 2004. In the Final Office Action dated October 26, 2004, Claims 1-20 pending in the application stand rejected. Independent Claims 1, 13, 15, 16, and 17 are currently amended incorporating the patentably distinct feature discussed during the phone interview. Applicant hereby incorporates the response to the previous Office Action herein. Applicant respectfully requests the Examiner for reconsideration.

#### Phone Interview

Applicant wishes to thank the Examiner for discussing during the phone interview the Response to Arguments on pages 4 and 5 of the Final Office Action relative to the rejection of independent Claims 1, 13, 15, 16, and 17. Moreover, for considering Applicant's proposed amendments here presented distinguishing the patently distinct features of the Claims from the cited references.

It was discussed during the phone interview, as noted on page four of the Final Office Action, that Kerper does not teach a tightening means that is accessible *while the means is assembled*. Accordingly, Applicant has amended independent Claims 1, 15, and 17 to patently distinguish the claims over the cited references.

It was further discussed during the phone interview, as noted on page four of the Final Office Action, that socket means defines a socket for receiving either of said end portion and said ball mount. As amended, the socket can receive both kinds of support bracket having either an end portion or a ball mount. Accordingly, Applicant has amended independent Claims 13 and 16 to patently distinguish the claims over the cited references.

#### Merits

On the merits, Claims 1-5, 11-13, and 16 stand rejected under 35 U.S.C. §102(b) as being unpatentable over the Kerper patent (U.S. No. 5,227,924), while Claims 6-10, 15, and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Kerper patent in view of the Oishei patent (U.S. No. 1,938,541). Further, Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Kerper patent. The Applicant respectfully requests the Examiner to reconsider these rejections in view of the amendments and the following remarks. Applicant submits that the present claims are novel because the present device and the prior art differ. Specifically, independent Claims 1, 13, 15, 16, and 17 are currently amended overcoming the previous rejections.

**The Section 102(b) Claim Rejections:**

Claims 1-5, 11-13, and 16 were rejected under 35 U.S.C. §102(b) as being unpatentable over the Kerper patent (U.S. No. 5,227,924). The Applicant respectfully traverses these rejections.

Claim 1 recites a rear view mirror assembly having a mirror head for attachment to a vehicle support bracket. This mirror head includes an interior surface for defining an interior chamber and a periphery shaped for receiving a mirror. The assembly further includes a clamping means for attaching the mirror head to the vehicle support bracket. This clamping means includes a socket means that is positioned within the interior chamber of the mirror head. The socket means defines a socket for receiving an end portion of the vehicle support bracket.

The socket means generally includes an endwall portion of the mirror head, a clamping plate for attachment to the endwall portion, and a tightening means for forcing the endwall portion and the clamping plate towards each other. The tightening means is utilized for forcing the clamping plate and the endwall portion towards one another so as to press fit the end portion of the vehicle mounting bracket therebetween. In that regard, the tightening means can prevent the mirror head from turning relative to the end portion of the vehicle mounting bracket. The tightening means being accessible while the means is assembled. In this way, the present invention allows a fully assembled rear view mirror assembly to be released from one fixed position, moved to another position, and then fixed in that position by externally actuating the tightening means.

The Kerper patent is directed to an adjustable rear view mirror assembly having internal fasteners for frictionally retaining the mirror in a predetermined position. Specifically, the Kerper patent (col. 4, lines 18-34) teaches screw elements 34 with intermediate springs 36 for mounting a clamp plate 26 to a backing plate. As illustrated in Figures 3 and 4, screws 34 and springs 26 are entirely located within an interior chamber of the rear view mirror assembly. In that respect, no portion of screws 34 is accessible from an exterior of the assembly. It also follows that screws 34 can only be actuated from inside the interior chamber of the assembly. Claim 1 recites that **the tightening means are accessible while the means is assembled**. As noted by on page 4 of the Final Office Action, the Examiner agrees that, "Kerper does not teach a tightening means that is accessible while the means is assembled." The advantages of these limitations include the ability to position the mirror assembly without having to remove the mirror from the mirror assembly and access the assembly's interior chamber.

It is therefore respectfully submitted that the Kerper patent fails to teach or suggest the several limitations of Claim 1 and for that reason Claim 1 is allowable. It is also submitted that Claims 2-12, which depend from Claim 1, are allowable for the same reasons as Claim 1.

Independent Claim 13 recites a construction having similar limitations to those recited in Claim 1. Therefore, Applicant respectfully refers to the arguments provided for Claim 1 to establish that Claim 13 is allowable.

Furthermore, as to Claim 13, the Examiner states that the Kerper patent discloses an endwall portion having a socket and an opening. However, the Kerper patent teaches a plate 24 having a semicircular cylindrical portion 54 utilized for receiving a cam element 28. A separate housing element 16 having a sidewall opening 20 is provided for receiving a support arm shaft 15. Claim 13 is significantly different in that it requests a head wall formed as a unitary plastic piece, namely the endwall portion, having both a socket and an opening formed therein. This construction minimizes the number of parts in the assembly thereby decreasing material costs, manufacturing cycle time, and manufacturing costs.

Moreover, the Examiner states on pages 4 and 5 of the Final Office Action that, "it is pointed out that Applicant has not claimed a mounting member that can mount both a shaft with a ball mount and an elongated shaft, but rather a dual mounting member that can mount 'an end portion or a ball mount'." In response, the Applicants have amended Claim 13 to include the suggestion made by the Examiner to include **a socket means defining a socket for receiving either of said end portion and said ball mount**, thus claiming the dual functionality as given in the specification.

It is therefore respectfully submitted now that the Kerper patent fails to teach or suggest the several limitations of Claim 13 and for that reason Claim 13 is allowable. It is also submitted that Claim 14, which depends from Claim 13, is allowable for the same reasons as Claim 13.

Independent Claims 15 and 17 recite a construction having similar limitations to those recited in Claim 1. Therefore, the Applicant respectfully refers to the arguments provided for Claim 1 to establish that Claims 15 and 17 are allowable for at least the reasons cited above.

Independent Claim 16 recites a construction having similar limitations to those recited in Claim 13. Therefore, Applicant respectfully refers to the arguments provided for Claim 13 to establish that Claim 13 is allowable.

#### **The Section 103(a) Claim Rejections:**

Claims 6-10, 15, and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Kerper patent in view of the Oishei patent (U.S. No. 1,938,541). Also,

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Kerper patent. Applicant respectfully traverses these rejections.

Similar to the Kerper patent, the Oishei patent fails to teach an endwall portion having both a socket and an opening formed as a unitary plastic piece. In that regard, even if the proposed combination were made, it would not teach or suggest the invention. Thus, Applicant submits that Claims 6-10, 14, and 15 are nonobvious and allowable.

Claims 6-10 depend from currently amended Claim 1 and are thus allowable for the reasons stated for Claim 1 where neither the Oishei patent nor the Kerper patent teaches or suggests these limitations as noted above.

Claim 10 recites that the plurality of upstanding ribs extends from the endwall portion proximate to the opening. The Kerper patent discloses socket formed ledges in 54, 56, and 58, as noted by the Examiner on page 5 of the Final Office Action. However, neither the Kerper patent nor the Oishei patent disclose a plurality of upstanding ribs. Furthermore, neither the Kerper patent nor the Oishei patent disclose or suggest that a plurality of upstanding ribs extend from the endwall portion proximate to the opening. Therefore, for this additional reason, Claim 10 is allowable.


Claim 15 is allowable for the reasons stated above for Claim 1. Also, Claim 15 recites a dual mounting member having a clamping plate and a ribbed endwall for mating with the clamping plate and mounting the dual mounting mirror on either a ball mount or an elongated shaft. Specifically, the clamping plate and the ribbed endwall have spherical portions, which together define a ball receiving socket for encapsulating a ball mount. In this way, the spherical portions can be utilized for attaching the dual mounting mirror to the ball mount. Moreover, the clamping plate and the ribbed endwall have sleeve portions for sandwiching a shaft mount therebetween and mounting the dual mount mirror thereto. None of the prior art references teaches or suggests this dual mount construction. Additionally, none of the prior art references teaches or suggests the end wall having ribs extending therefrom. Moreover, none of the prior art references teaches or suggests the tightening means of the dual mounting member being accessible while the means is assembled. Therefore, Applicant respectfully submits that Claim 15 is allowable.

Likewise, independent Claim 17 is allowable for similar reasons as given for Claims 1 and 15. Also, dependent Claims 18-20 are allowable as depending from independent Claim 17.

In view of the foregoing amendments and remarks, Applicant submits that all of the claims remaining in the case, namely Claims 1-20, are allowable. The Examiner is invited to

telephone Applicant's undersigned attorney at (248) 223-9500, if any unresolved matters remain.

Respectfully submitted,  
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